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726 the Kuomintang army at Tsinan, where the army of Governor Wang Yao-wu was besieged, and the Kuomintang forces under the command of General Fu Tso-i at Tientsin and Peking. When the isolated cities and strongholds were besieged, North China was not yet united under the Communists. But after the decisive battle of Huai-Hai, which annihilated the tank corps of Chiang Kai-shek, the Communist army attacked Kalgan, Tientsin, and Peiping. These three cities surrendered between December 24, 1948 and January 31, 1949. Thus the provinces north of the Yangtze River came under the control of the Communists. The name Peiping then was changed to Peking and the city became the capital of Communist China.

Shantung and Northern Kiangsu, the provinces on the northern edge of the Yangtze Valley, were conquered by Ch'en I, the commander of the Third Field Army; the provinces of Honan and Hupeh were conquered by Lin Piao. These provinces were assigned to the regional governments of East China and Central-South China.

635 ## III. THE GOVERNMENTAL STRUCTURE OF THE PROVINCES IN THE PRE-CONSTITUTION STAGE

A. The Governmental Structure of Hopei and Shansi

The governmental structure of the

635 provinces of Hopei and Shansi was at first under the control of the Bureau of Affairs of North China as a department of the Peking regime. In spite of their subordination to the central government, the two provinces were kept intact as administrative units. The structure of government followed the Organizational Law of the Provincial People's Government, according to which "... an area where no regional government or People's Council exists is under the direct supervision of the Central People's [671] Government."[1] Laws governing the municipality and the county were published on January 6, 1950. But for the lowest levels, such as the village government and the ch'ü government (an area larger than the village), no law was published by the Central People's Government. However, a single paragraph provides that the provincial government is entitled to make provisional rules whenever necessary to bridge such a gap. On the basis of this authority, the Hopei Provincial Government on February 22, 1950 issued four sets of provisional rules: (1) for the ch'ü government; (2) for the hsiang government; (3) for the representatives' conference of the ch'ü ; and (4) for the

1. "Sheng Jen-min Cheng-fu Tsu-chih-fa" ["Organizational Law of the Provincial People's Government"], T'u-pao Shou-ts'e [Newspaper Reading Handbook], Hankow, Ch'ang-chiang jih-pao she, 1950, p. 107.

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635 representatives' conference of the hsiang.[2] These remained in force until a new law for local government and for the People's conference on all levels was published by the Central People's Government in December 1950.

The laws covering provincial government provided for a governor and a number of deputy-governors and council members in each province. They were to be appointed by the Central People's Government. In the provincial government the following departments were established: civil affairs, public security, and national minority affairs when required, all under the supervision of the political-legal commission; finance, commerce and industry, communications, agriculture and forestry, and labor, all under the supervision of the finance-economic commission; culture and education, health, and information and publications, all under the supervision of the cultural-education commission. When required, a committee for overseas Chinese affairs was added. In addition, provision was made for a provincial People's control commission, a provincial People's court, and a provincial People's procuratorate.

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2. Ho-pei Jih-pao [Hopei Daily], Paoting, Feb. 23, 1950.

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•635 The functions that the provincial government assumed under this Organizational Law were: (1) to transmit instructions of the Central People's Government to the counties and municipalities and to issue orders within the provincial field of competence; (2) to put into practice the resolutions of the provincial representatives' conference and the resolutions approved by the Central People's Government; (3) to draw up provisional decrees and regulations required by the policies of the provincial government, and to submit them for approval to the Central People's Government; (4) to appoint and dismiss provincial and county personnel with the approval of the Central People's Government or according to its decisions; (5) to abolish and revise the resolutions and decrees eminating from the People's Council and People's Representatives' Conference which were in conflict with the resolutions or decrees of People's governments of a higher level.

Item 3 of the Organizational Law provides that the provincial government shall draw up provisional regulations as required. On the basis of this provision, the Hopei provincial government published provisional rules for the ch'ü and the hsiang governments.

On December 2, 1949, the statute of the Provincial Representatives' Conference was

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635 published. A representatives' conference was to be established to act in conjunction with the provincial government. The members of the Provincial Representatives' Conference were to be recommended by the representatives' conferences of the municipalities and counties as well as by the peasants' associations, the trade unions, and other popular People's organizations. When representatives' conferences on the municipal and county levels were not yet established, recommendation of the members of the provincial representatives' conference were to be made by the various People's organizations already mentioned. The functions of the representatives' conference on the provincial level were: (a) to hear and to examine the reports from the provincial government; (b) to make decisions on the suggested measures of the provincial government; (c) to examine and to pass on the budget and the financial statement of the provincial government; (d) to propose reforms; and (e) to elect the governor, the deputy-governors, and other members of the provincial government.[3]

B. The Hopei Provincial Government

The work of the provincial government

3. Chieh-fang Jih-pao [Liberation Daily], Shanghai, December 6, 1949.

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635 can best be examined in the light of its relationship to the Representatives' Conference of Hopei. The first representatives' conference of Hopei was convened on November 2, 1950 and lasted seven days. The 519 delegates, 490 of whom actually were in attendance, were classified by the Communist press as follows:[4]

Members of Communist organizations:

1) the Communist Party - 7
2) the New Democratic Youth Corps - 5

Members representing the territory:

1) from four municipalities - 14
2) from ten administrative districts - 162

Members of People's organizations:

1) the trade unions - 46
2) the peasants' associations - 42
3) the co-operatives - 16
4) the All-China Federation of Democratic Women - 37
5) the Federation of Democratic Youth - 12
6) literary and artistic workers - 8

4. Hopei Daily, November 3, 1950.

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635 7) students' associations - 6
8) the Sino-Soviet Friendship Association - 3

Members of the military forces:

1) the field army in the province - 6
2) the field army of the military district and militia - 12
3) the Peace-Preservation Corps (police) - 8

Members of other groups:

1) industry - 12
2) commerce - 15
3) education - 16
4) communications - 10
5) medicine and pharmacy - 8
6) the natural sciences - 6
7) industrial technicians - 5
8) veterans - 7
9) religious organizations - 2

Members of the departments on the provincial level - 4

Representatives of the minority nationalities - 5

Representatives receiving special invitations (including members of other parties) - 37

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•635 Members of the provincial government - 19
(- with the inclusion of alternates - 22)

The first Representatives' Conference of Hopei had three items on its agenda: an annual report of the provincial government, including the tasks proposed for the coming year; the provincial financial report; and the election of a governor, deputy-governors, and members of the provincial consultative conference.

On the first day of the conference, the deputy-governor, Li Hsi-chiu, and the chief delegates spoke. On the second day, the governor, Yang Hsiu-feng, urged increased production and the strengthening of "democratic dictatorship." In the afternoon the commissioner of Finance, Fan Jo-i, submitted a financial statement covering the last six months of 1949 and reported on the revenue and expenditure in the period January to September 1950, the policy for the distribution of the financial burden, financial affairs at the county level, and future financial problems to be met. On November 4th, the committees studied governor Yang's report and the financial report. A chairman was chosen for each committee. The plenary session on November 5th passed a resolution determing the administrative arrangement of the council

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635 and the consultative committee; there were to be one governor, two deputy-governors, and 34 members of the government council, and 75 members (including chairman and deputy chairman) of the consultative committee. In the afternoon, another plenary session examined the governor's report. On November 5th there was a meeting of the chief delegates to discuss and agree upon the nomination of candidates for the governor, deputy-governors, members of the government council, and members of the consultative committee.

Some 1,405 proposals in all were made by the individual representatives and given in toto to a special committee for study and reference to the departments concerned for whatever action seemed necessary.

On November 6th, the plenary session held a debate on the financial report. Some changes were proposed, and the report was passed as satisfactory. Governor Yang then explained that of the 1,405 proposals submitted, some could be acted upon immediately, others must be postponed, and others were to be referred to the departments concerned for action. Finally, some proposals would be submitted to the Central People's Government for approval.

On November 7th, negotiations concerning the election of government members continued

635 among the various delegations. On November 8th, Yang Hsiu-feng, who was in full sympathy with the Communist cause, was unanimously elected governor. Lin T'ieh, secretary of the Communist Party in Hopei, was elected chairman of the Consultative Committee. The committee consisted of 57 members. Nineteen members formed the presidium, presided over by Lin T'ieh as chairman. Thus the first Representatives' Conference of Hopei came to an end.

C. The Shansi Provincial Government

The provincial government of Shansi may also be studied in its relation to the representatives' conference.

The first Representatives' Conference of Shansi, consisting of 401 members and 48 alternatives, was convened March 12-26, 1950.[5] Delegates came from the following groups: Government - 13; Communist Party - 7; Democratic League - 5; Democratic Youth Corps - 5; Taiyuan municipality - 5; Hsin Hsien administrative district - 21; Hsing Hsien administrative district - 21; Yü-tz'u administrative district - 30; Fen-yang

5. Jen-min Jih-pao [People's Daily], Peking, May 20, 1950.

635 administrative district - 16; Ch'ang-chih administrative district - 36; Lin-feng administrative district - 30; Yü-ch'eng administrative district - 33; military district of Shansi - 12; public safety forces (police) - 3;

Trade unions - 25; peasants' associations - 25; All-China Federation of Democratic Women - 10; the Federation of Democratic Youth - 4; the students' associations - 7; literary and artistic workers - 4; co-operatives - 5; other organizations - 4;

Industry - 10; communications - 4; commerce - 10; journalism - 4; Sino-Soviet Friendship Association - 2; natural sciences - 2; education - 6; new political science association - 2; branch of the physical education association - 1; medicine and pharmacy - 3; veterans' organizations - 3; Mohammedans - 2; religious organizations - 3; representatives receiving special invitations - 28; alternate delegates - 48.

The first Representatives' Conference of Shansi was convened by the governor, Ch'eng Tzu-hua, who had been appointed in 1949. The first session lasted fifteen days. It heard and approved a report on government activity during the preceding six months, a report on future tasks to be undertaken, a financial statement, a budget for the coming year, and a resolution to support the unification

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635 of government policy in financial and economic matters. Another resolution supporting the Sino-Soviet Friendship Association and the alliance between the two nations was passed. Approximately 1,800 proposals were received. They can be classified as follows: concerning production and construction - 654; finance and economic s - 394; education, culture, and health - 385; political matters - 308; public safety - 66; military affairs - 9. Many of these proposals were combined until the total was reduced to 654. Of these proposals, those considered as future tasks or having to do with financial arrangements were grouped together for further study. Those which could be handled by the provincial government were submitted to the departments concerned. Only seven proposals were rejected as being against the laws and decrees of the Central People's Government.

IV. THE PROVINCIAL GOVERNMENT IN THE CONSTITUTIONAL STAGE

642 An electoral law for the People's Congress
666 on all levels was promulgated on March 1, 1953.

The National People's Congress scheduled for September 1954 was preceded by the

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666 election of deputies to the provincial, municipal,
642 county, and hsiang people's congresses. According to the Electoral Law of the People's Republic of China, delegates to the National People's Congress and deputies to the people's congresses of a province, a county, and "a municipality divided into districts" shall be elected by the People's congress on the next lower level.

Before the convening of the National People's Congress, the provincial governments were busy with census-taking, registration of voters, direct elections of delegates to the congresses at the hsiang and municipality or municipal district levels, and meetings of these and succeedingly higher congresses as they were brought into being. On September 15, 1954, the National People's Congress met for the first time, and on September 20 the new Constitution was passed. In addition, a statute for the organization of the local People's congresses on all levels and the local People's councils was published. This statute delineated the structure of the provincial governments.

A. General Provisions Concerning the Provincial Government

635 Under the Constitution, the provincial governments have been placed on a new basis. Each province has the status of an administrative

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435 district under the control of the Central People's Government, a relationship which accords with tradition. However, there is a point of departure from the traditional system in that members of the provincial governments are elected locally (see below) and that the provincial People's congresses share in deliberative functions. The term "legislative," which is applied to the National Congress in Peking, does not appear in the section of the Constitution formulating the principles of organization for the provincial government. As a result, the provincial People's congress only functions as a deliberative body. Thus each province, according to Article 53 of the Constitution of the People's Republic of China, becomes an administrative district limited in its actions to the passing of budgets, the enforcing of laws, and the safeguarding of the rights of the citizens. Although the provincial government is an elective body and a provincial People's congress sits next to it, it does not resemble an American state, with its reserve powers, nor a British borough, which operates under a special grant of powers.

The province under the Chinese Communist Constitution is only one of a number of administrative districts, which are comprised of provinces, autonomous regions, and municipalities, all directly responsible to and under

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•635 the authority of the Central People's Government. The county and the hsiang are considered administrative districts, although they are not directly under the authority of the Central People's Government.

The provincial executive body consists of a governor, a number of deputy-governors, and 25-55 members of the provincial People's council, all elected by the provincial People's congress, a body of commissioners, who head the twelve provincial departments such as civil affairs, public security, finance, grain, and the like, are appointed by the Central People's Government, according to Article 9 of the Organizational Law of the State Council.

The provincial People's congress has the following powers, according to the Chinese Communist Constitution: (1) to insure observance and execution of the laws, decrees, and the resolutions of the National People's Congress; (2) to adopt and promulgate resolutions within the limits of its functions and power; (3) to plan economic construction, cultural construction, public works, pension work, and relief work; (4) to consider and approve budgets and financial statements; (5) to elect members to the provincial People's council; (6) to elect presidents of the provincial People's courts; (7) to elect deputies to the national People's congress; (8) to hear and examine the work reports of the provincial

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635 People's council and the provincial People's court; (9) to revise or annul inappropriate decisions and orders of the provincial People's council; (10) to revise or annul inappropriate decisions of the People's congresses of the next lower level and the inappropriate decisions and orders of the People's councils of the next lower level; (11) to protect public property, maintain public order, and safeguard civil rights; (12) to ensure the equal rights of minority nationals; and (13) to recall the members of the provincial People's councils and the president of the court, elected by it.

635 666 The members of the provincial People's congress are elected by the congresses in the counties and municipalities, rather than directly by the people of the province. The number of members elected is determined by the population and the number of counties within each province, as stipulated by the Electoral Law of the People's Congress:

> "A province with a population not exceeding 20,000,000 shall elect from 100 to 400 deputies; with a population exceeding 20,000,000, from 400 to 500 deputies. In a province where the population and the number of counties is exceedingly small, the number of deputies may be less than 100 but not less than 50; where the population and the number of counties

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are exceptionally large, the number of deputies may exceed 500 but must not exceed 600..."

"A county with a population not exceeding 200,000 shall elect one to three deputies; a county with a population exceeding 200,000 and not more than 600,000 shall elect two to four deputies; a county with a pop lation exceeding 600,000 shall elect three to five deputies. From the municipalities, towns, and important industrial and mining districts within the province, one deputy shall be elected for every 20,000 population."

These principles give the two provinces of the North China Region the following quotas of delegates to the National People's Congress:

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Delegates to the National People's Congress

Province	No. of Delegates	Population	No. of Counties	No. of Provincial Municipalities	No. of Hsiang
Hopei	568	35,984,644	143	11	11,346
Shansi	315	14,314,485	95	5	6,394
Peking Municipality	264	2,768,149			
Tientsin Municipality	519	2,693,831			

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635 When the local People's congresses
666 were convened, they first elected the delegates to be sent to the People's congress on the next higher level. Only after the National People's Congress ratified the constitution and the laws of organization of the People's council and the People's congress on all levels did the members of the provincial and county congresses know what their duties were to be, the number of persons to be assigned to local government, and the number of persons they were entitled to elect.

B. Operation of the Provincial Government of Hopei

635 Because the Provincial People's Congress chooses delegates to the National People's Congress in Peking, the former must be convened first. In Hopei, the Provincial People's Congress held two sessions. At the first session, August 1-8, 1954, delegates were elected to the National Congress. At the second session, February 1-5, 1955, provincial government officers were elected.

Some 568 members attended the first session of the Provincial People's Congress of Hopei. Ma Kuo-jui, second secretary of the Communist Party of Hopei, spoke on the constitutional draft, which was later debated.

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635 A resolution giving full support to the proposed constitution was passed.

The governor of Hopei Province, Lin T'ieh reported on the progress of the government over the past five years and on the tasks to be accomplished in the future. In the debate that followed, delegates from rural areas emphasized the importance of the work for flood-prevention, the improvement of methods for growing cotton, and ways of fulfilling the production target. Also the inadequacies of some government measures were pointed out. About 2,200 proposals were made by the delegates, and some 1,160 proposals were forwarded to the departments concerned for action.

At the conclusion of the first session of the Provincial People's Congress of Hopei, 52 members were elected as delegates to the National People's Congress.[6]

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185 At the second session of the Provincial People's Congress, Lin T'ieh, the governor, reported on government activities during 1954 and the tasks for 1955. The province was

6. People's Daily, August 11, 1954.

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635 to increase agricultural production, continue
185 to develop its industries, and fulfill the production target fixed by the central government. The goals set were as follows: increase grain production 16.5 per cent; increase cotton production 14 per cent; and increase the production of peanuts 27.5 per cent. The more than 100,000 producers' co-operatives were to be consolidated. Irrigation, flood-control, and the use of new plowing tools were emphasized as means of raising provincial production. Before the conclusion of the session, delegates re-elected Lin T'ieh governor, and elected 6 deputy-governor, 36 members of the provincial People's court, the president of the People's High Court of Hopei, and 9 presidents of the intermediate courts.[7]

C. Operation of the Provincial Government of Shansi

635 The first Provincial People's Congress of Shansi was convened August 3-11, 1954, with an attendance of 315 members. They studied the constitutional draft and passed a resolution to support it. The proceedings followed the plan of the first session of the Provincial People's Congress of Hopei. Special

7. Kuang-ming Jih-pao [Enlightenment Daily] February 9, 1955.

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635 measures were introduced concerning soil-conservation, and the policy of encouraging the practice of Chinese medicine was approved. At the conclusion of the session, 24 delegates were elected to the National People's Congress.[8]

The second session of the first Provincial People's Congress of Shansi was convened February 5-9, 1955. Teng Ch'u-min, a delegate from Shansi who had attended the National People's Congress in Peking, reported on the work done by the congress. The governor of Shansi, P'ei Li-sheng, reported on government activities. The governor's report was debated, and some 50 members criticized or offered suggestions concerning it. Delegates made some 250 proposals regarding the acceleration of the production rates in agriculture and industry. P'ei Li-sheng was re-elected governor, and 6 deputy-governors, 30 members of the Provincial People's Council, a president of the People's High Court, and 5 presidents of the intermediate courts were elected.[9]

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8. Enlightenment Daily, August 13, 1954.
9. Enlightenment Daily, February 12, 1955.